

Remarks

Please insert "new" claim 56 and amend claims 45 and 46 to depend therefrom.

Claim 56 is a reinsertion of claim 44, which was inadvertently deleted .

Applicants respectfully traverse the Examiner's restriction requirement both as formally and substantively incorrect. MPEP 1893.03 (d) states , in part::

When making a lack of unity of invention requirement, the examiner must (1) list the different groups of claims and (2) **explain why each group lacks unity** with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group.

While examiner has complied with the first condition and she has utilized the required language from the MPEP, she has failed to EXPLAIN her position that the claims lack "linkage". For this reason alone the present restriction requirement is improper and MUST be withdrawn.

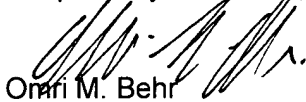
Alternatively if the Examiner were to properly issue a restriction requirement in compliance with the conditions of the MPEP, applicant traverses such a requirement. The claims are properly linked as being related to a use of botulinum toxin. It is unquestionable that claim 1 is generic to claims 1-34. Claims 2 and 3 are clearly subgeneric to claim 1, not generic claims in their own right. The IPEA Examiner found ALL claims in the case to be allowable under PCT criteria which, while not identical to USPTO criteria are sufficiently analogous to make no substantial difference. While the Examiner is entitled to issue a restriction requirement, there seems to be no good reason for so doing.

No reason for further detailed search is seen and the restriction requirement to all claims, especially claims 1-34 is not apposite and should be withdrawn.

Nevertheless in compliance with the rule, applicant elects holocrin glands has the subgenus and sebaceous glands as the species

In view of the foregoing comments and amendments, prompt passage to issue of the application is respectfully solicited.

Respectfully submitted,



Omri M. Behr
Reg: 22940, Cust #:47375

The Behr Office
325 Pierson Avenue
Edison NJ 08837-3123
Ph: 732 603 6006
Fx: 732 494 6258
Email: bepat@prodigy.net